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U.S. Department of Homeland Security  
20 Mass. Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

PETITION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director  
Administrative Appeals Office

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established he had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant submits a separate statement in which he reaffirms his eligibility for permanent resident status under the LIFE Act as one who had applied for class membership in the *CSS/LULAC* class-action lawsuit.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in one of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (“*CSS*”), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (“*LULAC*”), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) (“*Zambrano*”). See section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10.

With his LIFE application, the applicant submitted the following:

- a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on May 17, 1993; and
- a photocopied Legalization Front-Desking Questionnaire signed by the applicant on February 10, 1999.

Such documents may be furnished in an effort to establish that an alien had previously applied for class membership. However, there is no indication in Citizenship and Immigration Services (CIS) administrative or computer records of the applicant ever having filed, or this agency ever having received, either document. It should also be noted that, had the applicant actually filed a Legalization Front-Desking Questionnaire with CIS on February 10, 1999, as claimed, a file would normally have been created at that point. However, an alien registration file (or A-file) was never created for the applicant by CIS until January 15, 2003, when his LIFE application was received.

Subsequently, on appeal, the applicant has submitted photocopies of notices he allegedly received from the Immigration and Naturalization Service or the Service (now, CIS). These notices related to applications and questionnaires that the applicant purports to have submitted, or attempted to submit, to CIS. If authentic, these documents could possibly serve as evidence of a claim by the applicant for class membership in *CSS/LULAC* prior to October 1, 2000. There is no indication in CIS records, however, of the Service ever having issued such notices. Moreover, the applicant does not explain why, if these Service notices were truly in his possession the entire time, he did not submit them initially along with his LIFE application or, at the very least, in rebuttal to the director’s notice of intent to deny. Applicants for LIFE eligibility were advised to provide any and all qualifying evidence *with* their applications. The applicant’s failure to submit these documents initially, or to explain why he did not, creates suspicion regarding their authenticity.

Doubt cast on any aspect of an applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

It is further noted that the applicant is one of many aliens residing in New York City who have furnished such questionable photocopied documents with their LIFE applications. None of these applicants had pre-existing files with CIS prior to filing their LIFE applications, in spite of the fact that they all claim to have previously filed applications or questionnaires with CIS. In addition, despite the absence in these files of any Form G-28, Notice of Entry of Representation, the statements on appeal from these aliens are nearly identical in language and content. These factors raise even more serious questions regarding the authenticity of the applications and supporting documentation in the instant case.

It is concluded that the photocopies the applicant has submitted do not establish that he actually filed a written claim for class membership in *CSS/LULAC*, as required in section 1104(b) of the LIFE Act. Given his failure to provide documentation establishing his having filed a timely written claim for class membership, and the dubious nature of his documentation, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.

COEXM:PSTRICKLER:305-3217

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